

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEW MEXICO**

ROSS FLYNN and MARY ANN FLYNN,

Plaintiffs,

v.

CV 15-00195 KG/WPL

CITY OF LAS CRUCES, NEW MEXICO,  
LAS CRUCES POLICE DEPARTMENT,  
OFFICER RICHARD GARCIA, OFFICER  
DANNY SALCIDO, OFFICER JOSHUA  
SAVAGE, OFFICER JUSTIN RAMIREZ,  
and OFFICER ABRAHAM MADRID,  
in their Individual and Official Capacities,

Defendants.

**SANCTION ORDER**

As explained in my Order Denying Plaintiffs' Motion for Rule 11 Sanctions and Awarding Sanctions Against Plaintiffs' Counsel, Plaintiffs "frivolously, unreasonably and vexatiously multiplied the proceedings in this case" in violation of both 28 U.S.C. § 1927 and Federal Rule of Civil Procedure 11(c)(2). (Doc. 95 at 6.) Plaintiffs alleged in their motion for Rule 11 sanctions, without supporting facts or law, that counsel for Garcia and Salcido hid information and misled the Court and Plaintiffs when filing their motion to stay. (*Id.*) I entered the Order on May 31, 2016, and instructed Garcia and Salcido "to submit affidavits regarding attorney's fees and other costs incurred in opposing [Plaintiffs'] motion for Rule 11 sanctions within ten days." (*Id.*)

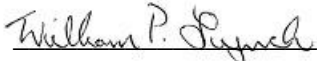
Though defense counsel did not comply with the ten-day timing requirement in my Order, I will still consider the total dollar amounts contained in their affidavits. Garcia's attorney submitted his affidavit on June 13, 2016, and states he billed a total of \$1,080.45: \$1,008.00 for

6.3 hours of work at a rate of \$160.00 per hour, plus \$72.45 for the gross receipts tax. (*See* Doc. 98 at 2.) Salcido's attorney submitted his affidavit on June 14, 2016, and claims a total of \$1,247.76: \$1,152.00 for 6.4 hours of work at a rate of \$180.00 per hour, plus \$95.76 for the gross receipts tax. (*See* Doc. 99 at 2.)

I find no prejudice in considering the affidavits, especially given that Plaintiffs' counsel chose not to respond, and therefore does not contest the untimeliness, hours expended, hourly rates, or total dollar amounts.

I find the hours expended, hourly rates, and total dollar amounts contained in defense counsels' affidavits reasonable and will award attorney's fees as totaled therein. Plaintiffs' counsel will pay Garcia \$1,080.45 and Salcido \$1,247.76 no later than August 19, 2016.

IT IS SO ORDERED.

  
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William P. Lynch  
United States Magistrate Judge

A true copy of this order was served on the date of entry--via mail or electronic means--to counsel of record and any pro se party as they are shown on the Court's docket.